

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature – Second Regular Session

MINUTES RECEIVED  
CHIEF CLERK'S OFFICE

3-9-16

COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS

Report of Regular Meeting  
Monday, March 7, 2016  
House Hearing Room 4 -- 2:00 p.m.

Convened 2:37 p.m.

Recessed

Reconvened

Adjourned 2:46 p.m.

Members Present

Ms. Alston  
Mr. Boyer  
Ms. Fann  
Mr. Gray  
Ms. Plumlee  
Mr. Rivero, Vice-Chairman  
Mr. Coleman, Chairman

Members Absent

Mrs. Gabaldón

Agenda

Original Agenda – Attachment 1

Request to Speak


Report – Attachment 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
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Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Attendance)</u>
SB1235	DPA	7-0-0-1	3, 4, 5, 6
SB1348	DP	7-0-0-1	7, 8, 9
	Committee Attendance		10

  
\_\_\_\_\_  
Kim Gammill, Chairman Assistant  
3-9-16

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

Convene 2:37 pm  
Adjourn 2:46 pm

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - Second Regular Session

REGULAR MEETING AGENDA

**COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS**

DATE Monday, March 7, 2016

ROOM HHR 4

TIME 2:00 P.M.

Members:

Ms. Alston  
Mr. Boyer  
Ms. Fann

Mrs. Gabaldón  
Mr. Gray  
Ms. Plumlee

Mr. Rivero, Vice-Chairman  
Mr. Coleman, Chairman

Bills	Short Title	Strike Everything Title
SB1235	<u>DPA</u> consideration of property rights; zoning (Farnsworth D: Lesko, Kern, et al)	
	<u>700.1</u> CMA, RULES	
SB1348	<u>DP</u> county treasurer; warrants; electronic transfers (Burges: Lesko)	
	<u>700.1</u> CMA, RULES	

**ORDER OF BILLS TO BE SET BY THE CHAIRMAN**

kjg  
3/1/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

# Information Registered on the Request to Speak System

*House County and Municipal Affairs (3/7/2016)*

## **SB1235, consideration of property rights; zoning**

### **Support:**

Boaz Witbeck, AMERICANS FOR PROSPERITY AZ; Terrance Traylor, representing self; Patricia Anderson, representing self; David Richardson, representing self; Eileen Danko, representing self; Bryan Lee Briggs, representing self; James Collins, representing self; Joseph Plkosz, representing self; Edward Treick, representing self



# HOUSE OF REPRESENTATIVES

SB 1235

consideration of property rights; zoning  
Prime Sponsor: Senator Farnsworth D, LD 16

X Committee on County and Municipal Affairs

Caucus and COW

House Engrossed

## OVERVIEW

SB 1235 requires the legislative body of a municipality or a county board of supervisors (board) to consider the residents' individual property rights and personal liberties before adopting any zoning ordinance.

## PROVISIONS

1. Mandates the legislative body of a municipality to consider the individual property rights and personal liberties (in accordance with Article II, Sections 1 and 2, Constitution of Arizona) of the residents within the municipality before adopting any zoning ordinance.
2. Mandates the board to consider the individual property right and personal liberties (in accordance with Article II, Sections 1 and 2, Constitution of Arizona) of the residents within the county before adopting any zoning ordinance.
3. Makes conforming changes.

## CURRENT LAW

The Arizona State Constitution, Article II, Section 1 states that *the recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.* Section 2 states that *all political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.*

A.R.S. § 9-426.01 allows the legislative body of any municipality to adopt an ordinance to converse and promote the public health, safety and general welfare. The legislative body may divide a municipality into zones of the number, shape and area it deems best suited to carry out municipal planning, zoning and subdivision regulations.

A.R.S. § 11-811 allows the board to adopt a zoning ordinance for the county in order to conserve and promote public health, safety, convenience and general welfare. The zoning ordinance and all rezoning and zoning regulations amendments must be consistent with and conform to the adopted comprehensive plan. The board may adopt overlay zoning districts and regulations pertinent to other particular buildings, structures, and land within the individual zones. This section does not authorize (1) the imposition of dedications, exactions, fees or other requirements which are not otherwise established by law; or (2) the regulation or restriction of the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract is five or more contiguous commercial acres, and not including the cultivation of cannabis.

Fifty-second Legislature  
Second Regular Session

COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS  
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1235  
(Reference to Senate engrossed bill)

- 1 Page 4, line 30, strike "A" insert "A"
- 2 Amend title to conform  
and, as so amended, it do pass

DOUG COLEMAN  
CHAIRMAN

1235COUNTY AND MUNICIPAL AFFAIRS  
03/07/2016  
02:46 PM  
H: AB/rca

Attachment 4

Adopted ✓ # of Verbals \_\_\_\_\_  
Failed \_\_\_\_\_ Withdrawn \_\_\_\_\_  
Not Offered \_\_\_\_\_ Analysts Initials \_\_\_\_\_

# ARIZONA HOUSE OF REPRESENTATIVES

## Committee Report

March 7, 2016

MR. SPEAKER:

Your COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS has had under consideration

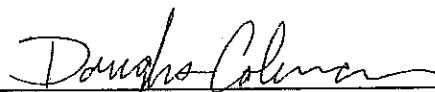
SENATE BILL 1235 and respectfully recommends:

it be amended as follows:

(SEE ATTACHED)

and, as so amended it do pass

LCS



DOUG COLEMAN, Chairman  
TONY RIVERO, Vice-Chairman

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON \_\_\_\_\_ COUNTY AND MUNICIPAL AFFAIRS \_\_\_\_\_ BILL NO. SB 1235

DATE March 7, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Boyer		✓			
Ms. Fann		✓			
Mrs. Gabaldón					1
Mr. Gray		✓			
Ms. Plumlee		✓			
Mr. Rivero, Vice-Chairman		✓			
Mr. Coleman, Chairman		✓			
		7	0	0	1

APPROVED/

Douglas Coleman  
DOUG COLEMAN, Chairman  
TONY RIVERO, Vice-Chairman

Gleammill  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

SB 1348

county treasurer; warrants; electronic transfers

Prime Sponsor: Senator Burges, LD 22

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X Committee on County and Municipal Affairs

Caucus and COW

House Engrossed

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## OVERVIEW

SB 1348 incorporates electronic versions of fund transfers and notices to the process of warrant payment by a county treasurer.

## PROVISIONS

1. Includes an electronic funds transfer as a form of bill statement for payment or investment.
2. Requires a county treasurer to keep a register of electronic funds transfers presented for payment in addition to warrants and substitute checks.
3. Stipulates if a county treasurer does not invest in the presented warrant, substitute check or electronic funds transfer:
  - a. They must notify the servicing bank that the statement will not be paid due to lack of monies.
  - b. The original warrants interest per year cannot exceed more than 10%.
4. Allows for a notice of the intent to pay a warrant to be posted on a county's website.
5. Repeals a section of statute regarding the application of funds when unpaid warrants are not presented.
6. Modifies the definitions of *substitute check*, and *warrant*.
7. Makes technical and conforming changes.

## CURRENT LAW

As defined in A.R.S. § 9-249:

A *substitute check* is a paper reproduction of an original warrant created from an electronic image of the original warrant that: (1) contains an image of the front and back of the original check, (2) bears a magnetic ink character recognition line containing all of the information in the magnetic ink character recognition line of the original check, (3) conforms in paper stock, dimension and otherwise with generally applicable industry standards for substitute checks, (4) is suitable for automated processing in the same manner as the original warrant.

A *warrant* is an original warrant or an electronic image of an original warrant from which a substitute check be created.



## **SB 1348**

A.R.S. § 35-323 includes bonds, notes or other evidences of indebtedness of this state or any of its counties, incorporated cities or towns, school districts or special taxing districts, including registered warrants that shall bear interest pursuant to A.R.S. § 11-635.

A.R.S. § 11-638 states if an unpaid warrant is not presented for payment within ten days from publication or posting of notice as provided by section 11-636, then the treasurer shall apply the fund set aside for payment of the warrant to payment of unpaid warrants next in order of registry. The board of supervisors may, on presentation of warrants properly endorsed, which have been advertised as payable, direct the treasurer to pay them out of money in the treasury not otherwise appropriated.

# ARIZONA HOUSE OF REPRESENTATIVES

## Committee Report

March 7, 2016

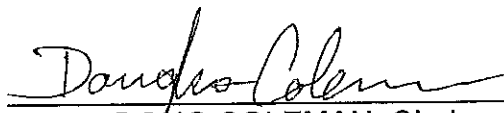
MR. SPEAKER:

Your COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS has had under consideration

SENATE BILL 1348 and respectfully recommends:

it do pass

LCS



DOUG COLEMAN, Chairman  
TONY RIVERO, Vice-Chairman

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

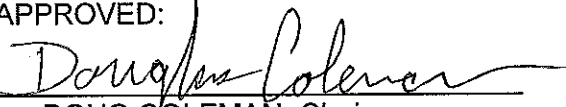
**ROLL CALL VOTE**

COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS BILL NO. SB 1348

DATE March 7, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Boyer		✓			
Ms. Fann		✓			
Mrs. Gabaldón					/
Mr. Gray		✓			
Ms. Plumlee		✓			
Mr. Rivero, Vice-Chairman		✓			
Mr. Coleman, Chairman		✓			
		7			1

APPROVED:

  
DOUG COLEMAN, Chairman  
TONY RIVERO, Vice-Chairman

  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_

**ARIZONA STATE LEGISLATURE**  
Fifty-second Legislature - Second Regular Session  
**COMMITTEE ATTENDANCE RECORD**

COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS

CHAIRMAN: Doug Coleman VICE-CHAIRMAN: Tony Rivero

DATE	1/25/16	2/1/16	2/15/16	2/22/16	3/7/16
CONVENED	2:07pm	2:38pm	2:27pm	2:27pm	2:37pm
RECESSED					
RECONVENED					
ADJOURNED	4:37pm	2:56pm	3:26pm	2:43pm	2:46pm
MEMBERS					
Ms. Alston	✓	Exc	✓	✓	✓
Mr. Boyer	✓	/	✓	✓	/
Ms. Fann	✓	/	✓	✓	✓
Mrs. Gabaldón	/	/	✓	✓	Exc
Mr. Gray	✓	/	✓	✓	✓
Ms. Plumlee	✓	/	✓	✓	/
Mr. Rivero, Vice-Chairman	✓	Exc	✓	✓	✓
Mr. Coleman, Chairman	✓	✓	✓	✓	✓

✓ Present      --- Absent      exc Excused